

EXHIBIT 4

Dec. 8, 2016 Letter

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December 8, 2016

VIA EMAIL

Patrick Strawbridge
Consovoy McCarthy Park, PLLC
Ten Post Office Square
8th Floor South PMB #706
Boston, MA 02109

RE: Students for Fair Admissions, Inc. v. The University of
North Carolina, et al. Discovery

Dear Patrick:

I write in response to your November 14, 2016 letter regarding Students for Fair Admissions, Inc.'s discovery requests to the University.

Additional Custodians

The University agrees to produce responsive documents in the possession of the 8 additional custodians named in your November 14 letter, using the search terms and date range previously agreed upon by the parties. The University otherwise reserves its right to object to additional requested custodians or search terms.

As to your request that the University identify witnesses previously listed only by category, we will provide this information to you within a reasonable time as it becomes available.

Additional data and application files

In your letter, you asked the University to produce additional information to supplement the aggregate admissions data previously produced in the case.

Specifically, you requested that the University produce data reflecting “the application, admissions, and enrollment rates by individual race/ethnicity . . . [and] data regarding admissions by race for residents and non-residents.” The University does not maintain aggregate data in this format and, therefore, cannot produce it. The University has produced aggregate admissions data in the form in which the University maintains it in its normal course of business, as required by the Federal Rules of Civil Procedure.

That being said, the University is willing to supplement its production by producing aggregate admissions data for the 2015-2016 admissions cycle. The University is also willing to produce electronic admissions data, in the form of the spreadsheets stamped UNC0014633-34, for the 2015-2016 admissions cycle. However, the University will not supplement its production to expand the time frame beyond the seven year period for which it has already produced documents and objects to any such request. SFFA’s lawsuit challenges the University present admissions practices, and there is no need for the University to produce data going back over eight years.

The same objection applies to SFFA’s request for four additional years of electronic applicant data. The University does not believe that SFFA has advanced any justification as to why this older data is relevant to its claims and request for injunctive relief. Furthermore, producing four additional years of electronic applicant data would represent an unreasonable burden to the University, given that complying with this request would necessitate providing FERPA notice to over 100,000 applicants and redacting personally identifiable information from thousands of data fields.

Student Performance Data

The University stands on its objections to SFFA’s requests regarding student performance data and will not produce data predicting academic performance or student debt levels. Requests regarding the “mismatch” theory are therefore not relevant to this litigation nor reasonably calculated to lead to the discovery of admissible evidence, and to produce this information would be unduly burdensome. The University disagrees that the production of this data is consistent with *Fisher II*.

With regards to RFP No. 32, the University has produced data regarding application rates, admissions rates, and enrollment rates responsive to your request, and will continue to produce similar data as it is identified during discovery. With respect to RFP No. 38, the University previously agreed to produce documents that refer to “mismatch” only to the extent those documents, if any exist, relate to the University’s admissions practices or policy.

Patrick Strawbridge
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Please do not hesitate to contact me if you have further questions.

Very truly yours,

/s/ Michael Y. Scudder

cc: Thomas McCarthy
Stephanie Brennan
Matthew Tulchin
Lisa Gilford